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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                   | CONFIRMATION NO.       |
|---|-------------|----------------------|---------------------------------------|------------------------|
| 10/053,623  | 01/24/2002  | Daniel Guenther      | 6502.0351-00                          | 5288                   |
| 60667 7590 06/28/2007<br>SUN MICROSYSTEMS/FINNEGAN, HENDERSON LLP<br>901 NEW YORK AVENUE, NW<br>WASHINGTON, DC 20001-4413 |             |                      | EXAMINER<br>TARAE, CATHERINE MICHELLE |                        |
|   |             |                      | ART UNIT<br>3623                      | PAPER NUMBER           |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/053,623

Applicant(s)

GUENTHER ET AL.

Examiner

C. Michelle Tarae

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,7-11,13-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-11,13-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 23, 2007 has been entered.

Claims 3 and 4 have been canceled. Claim 1 has been amended. Claims 1-2, 5, 7-11, 13-18 and 20 are now pending in this application.

### ***Response to Amendments***

2. Applicant's amendment to claim 1 is acknowledged. The cancellation of claims 3 and 4 is acknowledged.

### ***Response to Arguments***

3. Applicant's arguments are moot in view of the new grounds of rejections provided below.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 5, 7-11, 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Barney et al. (U.S. 6,070,143).

As per claim 1, Barney et al. discloses a method for role analysis in an organization, comprising:

determining categories of roles of the organization (col. 5, lines 50-59; col. 6, lines 3-5; Categories of jobs, or roles, are determined and maintained in the database.);

determining audience segments of the organization based on the categories to gather data related to roles of the organization (col. 1, lines 28-29; Incumbent workers, supervisors and people with knowledge of job requirements are identified from the organization as an audience segment able to contribute to job/role requirement information.);

identifying subject matter experts from the audience segments of the organization (col. 1, lines 34-36; col. 6, lines 5-7 and 26-30; Subject matter experts are identified from the incumbent workers, supervisors and people with knowledge of job requirements.);

reviewing documents related to the roles of the organization (col. 5, lines 34-39 and 45-49; col. 6, lines 3-8; Documents such as performance appraisals, tests and

training curricula related to the jobs/roles of the organization are maintained in a database. Also a work-oriented database includes data on job/role tasks and a worker-oriented database includes data on job/role knowledge, skills, abilities and other personal characteristics.);

interviewing the subject matter experts of the organization using at least in part core task templates, to obtain information related to core tasks, formal training, technical knowledge, process knowledge, and problem solving skills of the roles of the organization (col. 6, lines 26-50; Figure 9; Subject matter experts are interviewed with regard to work-oriented and worker-oriented dimensions critical to a job/role, where the subject matter experts are interviewed via surveys. Surveys may be considered templates.);

creating one or more role analysis profiles based on the reviewed documents and the obtained information, wherein each of the role analysis profiles are organized to comprise a list of at least one core task, a list of at least one formal training requirement, a list of at least one process knowledge requirement, a list of at least one technical knowledge requirement, and a list of at least one problem solving skill (col. 6, lines 55-59; The job analyst creates job/role profiles based on all of the gathered information, where the job/role profile includes critical work-oriented and worker-oriented dimensions for a particular job/role.);

validating the created role analysis profiles (col. 7, lines 1-14; The job analyst creates job/role analysis profiles based on previous subject matter expert survey results

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and obtained information and creates a survey for the subject matter experts to validate the created job/role profile.); and

creating final role analysis profiles based on the validation (col. 7, lines 16-25; The job analyst then creates final job/role analysis profiles and the databases are updated accordingly.).

As per claim 2, Barney et al. discloses wherein the determining step further comprises: consulting with one or more managers of the organization to determine categories of roles (col. 1, lines 26-39).

As per claim 5, Barney et al. discloses wherein reviewing documents further comprises: reviewing documents that comprise processes, position descriptions, learning content, or product manuals (col. 5, lines 34-39 and 45-49; col. 6, lines 3-8; Documents such as performance appraisals, tests and training curricula related to the jobs/roles of the organization are maintained in a database.).

As per claim 7, Barney et al. discloses wherein the interviewing step further comprises: recording the obtained information on core task templates (col. 6, lines 26-50; Figure 9; Subject matter experts are via surveys, where their responses to the surveys are recorded.).

As per claim 8, Barney et al. discloses wherein creating one or more role analysis profiles further comprises: determining one or more core tasks of the one or more role analysis profiles (col. 8, line 63-col. 9, line 11; Tasks associated with roles/jobs are determined.).

As per claim 9, Barney et al. discloses wherein determining one or more core tasks further comprises: compiling interview information from core task templates (col. 10, lines 9-12; Figures 11A-11B; Linkage matrices (i.e., templates) are used to identify tasks for jobs/roles.).

As per claims 10 and 11, Barney et al. discloses grouping core tasks by common core tasks or common audience segment to create the one or more role analysis profiles (col. 10, lines 9-12; Figures 11A-11B; Linkage matrices (i.e., templates) are used to identify and group tasks for jobs/roles. Subject matter experts (from audience segments) interact with the linkage matrices.).

As per claims 13-16, Barney et al. discloses wherein validating the one or more role analysis profiles comprises: reviewing the one or more created role analysis profiles with subject matter experts and managers and modifying the one or more reviewed role analysis profiles based on the received feedback (col. 1, lines 34-36; col. 7, lines 1-14; The job analyst creates job/role analysis profiles based on previous subject matter expert survey results and obtained information and creates a survey for the subject matter experts to validate the created job/role profile.).

As per claim 17, Barney et al. discloses determining desired training for one or more members of the organization based on the one or more final role analysis profiles (col. 3, lines 59-63; col. 7, lines 28-32; Training curricula required for the job/role are identified.).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barney et al. (U.S. 6,070,143), as applied above, and Ho et al. (U.S. 6,213,780).

As per claim 18, Barney et al. does not expressly disclose determining skill gaps in the organization based on the one or more final role analysis profiles. Ho et al. discloses determining skill gaps in the organization based on the one or more final role analysis profiles (col. 6, lines 50-57; col. 14, lines 49-58; The computer identifies the skills (i.e., knowledge, training, experience, etc.) that a user is lacking by comparing the user's profile to an identified job profile (i.e., final role analysis profile); For example, the computer identifies sales personnel who do not have the skills, knowledge or training to understand the Russian culture to sell products in Russia; thus, the computer identifies skill gaps for users.). Barney et al. and Ho et al. are analogous because both are concerned with analyzing job positions to assess knowledge, skills, training, etc. required for job positions. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Barney et al. to determine skill gaps in the organization based on the one or more final role analysis profiles because doing so allows Barney et al. to apply such information to its analyzing and determining of the training curricula required for the job/role profiles it's defined (see Barney et al. col. col.



3, lines 59-63; col. 7, lines 28-32), thereby enhancing the effectiveness of the identification of the training curricula requirements for each job/role.

As per claim 20, Barney et al. does not expressly disclose wherein determining skill gaps comprises: receiving data on an individual's qualifications; organizing the data on the individual's qualifications according to the individual's formal training, technical knowledge, process knowledge, and problem solving skills; and comparing the individual's formal training, technical knowledge, process knowledge, and problem solving skills with the formal training, technical knowledge, process knowledge, and problem solving skills of the one or more final analysis profiles.

Ho et al. discloses wherein determining skill gaps comprises: receiving data on an individual's qualifications (col. 19, lines 1-22; Figure 19; The system receives data on an individual's profile, or qualifications.);

organizing the data on the individual's qualifications according to the individual's formal training, technical knowledge, process knowledge, and problem solving skills (col. 5, lines 49-67; An individual's qualifications are organized according to training, knowledge and skills.); and

comparing the individual's formal training, technical knowledge, process knowledge, and problem solving skills with the formal training, technical knowledge, process knowledge, and problem solving skills of the one or more final analysis profiles (col. 18, line 47-col. 19, line 22; The individual's specific qualifications are compared to a final analysis profile to determine whether the individual is a good match for the job position.). Barney et al. and Ho et al. are analogous because both are concerned with

analyzing job positions to assess knowledge, skills, training, etc. required for the job positions. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Barney et al. to determine skill gaps in the organization in the manner discussed above because doing so allows Barney et al. to apply such information to its analyzing and determining of the training curricula required for the job/role profiles it's defined (see Barney et al. col. 3, lines 59-63; col. 7, lines 28-32), thereby enhancing the effectiveness of the identification of the training curricula requirements for each job/role.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Parrish et al. (U.S. 5,416,694) discusses a process for workforce planning;
- Gray et al. (U.S. 6,944,596) discusses employee analysis based on results of educational business simulation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. MICHELLE TARAE  
PRIMARY EXAMINER

June 11, 2007